

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

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|--------------------------|---|------------------------|
| UNITED STATES OF AMERICA | § | |
| | § | |
| v. | § | CRIMINAL NO. 4:07CR1.6 |
| | § | |
| JEFFREY DEAN RODGERS | § | |

**REPORT AND RECOMMENDATION
OF UNITED STATES MAGISTRATE JUDGE**

Pending before the Court is the request for revocation of Defendant's supervised release. After the District Court referred the matter to this Court for a report and recommendation, the Court conducted a hearing on February 18, 2014, to determine whether Defendant violated his supervised release. Defendant was represented by Robert Arrambide. The Government was represented by Mandy Griffith.

On January 16, 2008, Defendant was sentenced by the Honorable Marcia A. Crone, United States District Judge, to a sentence of 70 months imprisonment followed by a 5-year term of supervised release for the offense of Conspiracy to Possess with the Intent to Manufacture and Distribute Methamphetamine. Defendant began his term of supervision on February 10, 2012.

On May 24, 2013, the U.S. Probation Officer filed a Petition for Warrant or Summons for Offender Under Supervision (the "Petition") (Dkt. 336). The Petition asserts that Defendant violated the following conditions of supervision: (1) Defendant shall not commit another federal, state, or local crime; (2) Defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon; (3) Defendant shall not unlawfully possess a controlled substance; (4) Defendant

shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician; (5) Defendant shall not commit another federal, state, or local crime; (6) Defendant shall not unlawfully possess a controlled substance; (7) Defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician; (8) Defendant shall refrain from any unlawful use of a controlled substance; (9) Defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician; (10) Defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer; and (11) Defendant shall not associate with any persons engaged in criminal activity, and shall not associate with any person convicted of a felony unless granted permission to do so by the probation officer.

The Petition alleges that Defendant committed the following violations: (1) On or about May 7, 2013, Defendant was arrested by the Grayson County, Texas, Sheriff's Office and charged with Manufacture or Delivery of a Controlled Substance in Penalty Group >4g<200g in violation of Texas Health and Safety Code § 481.112; Unlawful Possession of a Firearm by Felon in violation of Texas Penal Code § 46.04(a) and Title 18 U.S.C. § 922(g)(1); Unlawfully Carrying a Weapon in violation of Texas Penal Code § 46.02, and with Tampering with or Fabricating Physical Evidence in violation of Texas Penal Code § 37.09; (2) Defendant, along with Jason Eric Reddick, were arrested after attempting to sell methamphetamine. Upon officers searching the vehicle Defendant was driving, methamphetamine was located inside a Marlboro cigarette box belonging to Defendant and a Taurus

Millennium PT 140 Pro semi-automatic .40 caliber pistol with serial number SEU84283 was located between the right side of the center console and the left side of the front passenger seat along with a black expandable baton located in the driver's seat after Defendant exited the vehicle. Defendant attempted to obstruct the officer's view of his vehicle and attempted to hide or conceal the baton. As of May 24, 2013, these charges are pending and Defendant remains in custody; (3) On or about May 1, 2013, Defendant was arrested by the Denison, Texas, Police Department and charged with Manufacture or Delivery of a Controlled Substance in Penalty Group 1 >1g<4g in violation of Texas Health and Safety Code § 481.112 and for Driving While License Invalid in violation of the Texas Transportation Code § 521.457. On May 3, 2013, Defendant was released on a \$20,000 surety bond. As of May 24, 2013, the charges are still pending; (4) On February 17, 2012, Defendant submitted a urine specimen that tested positive for methamphetamine. Defendant admitted to said use prior to submitting the specimen for testing; (5) Defendant failed to notify the probation officer within seventy-two hours of his arrest on May 1, 2013; and (6) Defendant associated with Jason Eric Reddick, a person engaged in criminal activity, on or about May 7, 2013, as evidenced by their arrest for Manufacture or Delivery of a Controlled Substance. Additionally, Defendant did not have permission from the probation officer to associate with Jason Eric Reddick who has previously been convicted of a felony in the 397th Judicial District Court of Grayson County, Texas, in Case No. 062511.

At the hearing, the Government advised it was only moving on one charge: Defendant shall not commit another federal, state, or local crime. The Government abandoned all remaining charges in the Petition. Defendant entered a plea of true to the one violation. Defendant waived his right to allocute before the district judge and his right to object to the report and recommendation of this

Court. The Court finds that Defendant has violated the terms of his supervised release and that his supervised release should be revoked.

RECOMMENDATION

Pursuant to the Sentencing Reform Act of 1984 and having considered the arguments presented at the February 18, 2014 hearing, the Court recommends that Defendant be committed to the custody of the Bureau of Prisons to be imprisoned for a term of fourteen (14) months to run consecutively with any state sentences, with no supervised release to follow. The Court further recommends that Defendant's term of imprisonment be carried out in the Bureau of Prisons facility located in Seagoville, Texas, if appropriate.

SIGNED this 24th day of February, 2014.



DON D. BUSH
UNITED STATES MAGISTRATE JUDGE